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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,409	02/19/2007	Sven Hoffmann	8952-000005/US/NP	2284

27572 7590 11/25/2008  
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EXAMINER

FREEDMAN, LAURA

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

11/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/576,409

**Applicant(s)**

HOFFMANN ET AL.

**Examiner**

LAURA FREEDMAN

**Art Unit**

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-38 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 20-38 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 06 August 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 4/20/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The preliminary amendment filed 24 April 2007, in which claims 1-19 were cancelled and claims 21-38 were added, has been entered.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the support element (claim 35) must be shown or the feature(s) canceled from the claim(s). Further, the first and second side walls in the claims are inconsistent with those described in the specification and drawings. No new matter should be entered.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "28".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The abstract of the disclosure is objected to because it is not limited to a single paragraph and reference to Figure 1 should be deleted. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because of the following informalities: Headings should be included in the Specification. Appropriate correction is required.

#### ***Claim Objections***

6. Claims 28-30 and 36 are objected to because it appears that Applicant intended for the following:
  - the parenthesis at the end of "according to claim 27" to be deleted (claim 28, line 1);
  - "the" before "deformation bridges" to be deleted (claim 28, lines 1-2; claim 30, lines 3-4);
  - "the airbag" to be changed to --an airbag-- (claim 29, line 2; claim 36, line 2);

"the second side housing part" to be changed to --a second side housing part--  
(claim 33, lines 3-4);

"the gas generator" to be changed to --a gas generator-- (claim 36, line 2).

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 20-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, there is no consistency between the first and second side walls described in the claims and those described in the specification. For instance, based on the description in claim 20, it is assumed that the first side wall correlates to "3" and the second side wall to "2". However, claim 22 sets forth that the first side wall (3) includes a flange area with a rotation or bending round section (9), which contradicts the specification and drawings showing the second side wall (2) including the rotation or bending round section (9). This is merely one example of the discrepancies between the claims, drawings, and specification. Due to these discrepancies, Examiner has

interpreted claims to the best of her ability, in light of the specification and drawings.

Appropriate correction is required. No new matter should be entered.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 28, 30-32, 35, and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regards to claim 28, it appears that Applicant left off some words at the end of the claim, making it unclear what the deformation structures are formed in. In regards to claim 30, it is unclear how a second side wall part can be formed by deformation bridges formed in the first side wall part, all of these features being part of the second side wall. In regards to claim 35, it is unclear what "this" is referring to (line 3). In regards to claim 36, it is unclear what element(s) constitute "the deformation section" (line 2). Examiner has read on these claims to the best of her ability, as set forth in the prior art rejection below. Any features found in these claims and not addressed below will be addressed upon correction of the 35 U.S.C. 112, second paragraph rejection.

### ***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 20-23, 27-32, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Satoh et al. (US 5,295,707). Satoh et al. disclose a housing (for example, including #12) able to be used with an airbag module of a motor vehicle, the housing comprising:

- Housing floor (for example, including bottom portion of housing)
- First side wall (for example, including #28) having a first degree of deformation
- Second side wall (for example, including #14, 16) having a second degree of deformation (for example, including no degree of deformation)
- The first degree of deformation being greater than the second degree of deformation (for example, including deformation of support member #38 of wall #28 greater than deformation of wall #14; can be seen in figure 4)
- The first side wall defining a generally flat surface (for example, as can be seen in figures 1-3) capable of deformation in response to a force exerted generally in the direction of the housing floor (for example, as can be seen in figure 4) and resisting deformation in response to a force exerted generally in a direction away from the housing floor (for example, upon inflation of airbag, as can be seen in figure 3)
- The second side wall integrally defines an acceptance area for a gas generator (for example, including #24)
- The second side wall includes a flange area (for example, including area of #14 connected to mount member #42; can be seen in figure 3) with a rotation or bending round section around which an interior cladding element (for example, including #22)

can be swiveled (has the ability to perform) in the direction of the housing floor in case of deformation of the first side wall (for example, as can be seen in figure 4)

- The first side wall includes deformation elements (for example, including fold #60 and complementary recess) in a flat surface area (for example, including #38) which weaken the mechanical stability of the first side wall
- The first side wall able to only yield mechanically after the application of a predetermined force (for example, as can be seen in figure 4)
- The deformation bridges exhibit deformation structures (for example, including fold #60 and complementary recess)
- Injection channel (for example, including central channel that houses airbag and gas generator and defined by walls #14, 16, 20, 28 and flanges #42, 44) integrated into the housing and able to target unfolding of an airbag (for example, including #18) of the airbag module, whose one channel wall is at least partially formed by the second side wall (for example, as can be seen in figure 3)
- The second side wall includes a first side wall part (for example, including #16 and bottom portion of #14) formed in one piece with the housing floor (for example, as can be seen in figure 3)
- Free ends of the deformation bridges are connected with a flange area (for example, including #36) for fixing an interior cladding element (for example, including #22)
- The deformation bridges, in their undeformed state, are at a defined distance to the first side wall part (for example, including vertical distance from #60 to bottom of #14 and #16), and in the case of a deformation substantially support themselves on this



first side wall part crosswise to deformation force (for example, supported by connection of #38 to bottom of #14 and subsequently to #16 via rivet #40)

- The housing includes an open side (for example, including top portion in figure 1) covered by a cover foil (for example, including #22)
- The housing is formed as a passenger airbag module (including Abstract).

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 24-26 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al. (US 5,295,707). Satoh et al. disclose the deformation elements including a deformation bridge (for example, including fold #60) arranged in the first side wall adjacent a cut-out (for example, including complementary recess) in the form of holes or individual seams (for example, complementary recess is a seam), at least one of the characterized cut-outs and deformation bridges formed in the first side wall so as to provide a predefined course of deformation and a predetermined final deformation geometry (for example, as can be seen in figure 4). Satoh et al. further disclose a first side housing part (for example, including bulk of housing features already mentioned with the exception of wall #28) forming at least a part of a wall of the

housing, the housing floor, an acceptance area for the airbag module, and a flange area with a rotation or bend round section (see above), and a second side housing part (for example, including wall #28 and associated components) forming a deformation bridge and adjacent cut-out, a flange area able to fix an interior cladding element, and an upper section of an injection channel (see above; can be seen in figures 1-3, 5), the second side housing part at least substantially forming an injection channel (see above). Satoh et al. also disclose a support element (for example, including unlabeled portion beneath wall #16 that attaches airbag module to vehicle body, as can be seen in figures 2-4) fixed to the floor of the housing or the first side housing part by fixing means (fixing means now shown), and the housing being formed as an airbag module (for example, including #10), in which the gas generator, airbag, deformation section (for example, section including deformation elements), injection channel for the airbag, and flange areas are able to fix the interior cladding element (for example, as can be seen in figures 2-4). While, Satoh et al. do not specifically disclose a plurality of deformation bridges and cut-outs, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deformation elements to include a plurality of deformation bridges and cut-outs, as claimed, so as to provide additional deformation capability, and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art, and would yield predictable results.

**Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art disclose alone, or in combination, a housing for an airbag module, the housing comprising a floor, side walls, and deformation elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA FREEDMAN whose telephone number is (571) 272-2442. The examiner can normally be reached on Monday-Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3616

Laura Freedman  
Examiner  
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